



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/762,483

01/23/2004

Hung-Yeh Du

TAIW 213

4931

⁷⁵⁹⁰
RABIN & BERDO, P.C.
Suite 500
1101 14 Street, N.W.
Washington, DC 20005

11/16/2007

EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

11/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,483	Applicant(s) DU, HUNG-YEH	
	Examiner Creighton H. Smith	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, applicant's phrase "according to said communication terminal's said communication" is vague and indefinite and should be re-written in grammatically correct English. In claims 5, 10, applicant's phrase "receiving a transmitting back voice signal, and combining a transmitting back voice signal and a voice transmitting back voice signal..." is vague and indefinite. In claim 5, there is no antecedent basis for "said step of displaying;" in claim 6 there is no antecedent basis for "said step of through processing transmitting back video signal. In the preamble of claim 10, applicant's phrase "said IP phone through a area network" makes no sense and is not grammatically correct idiomatic English.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Applicant should at least re-write the claims conforming to grammatically correct idiomatic English.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 8, 9, as understood are rejected under 35 U.S.C. 102(E) as being Anticipated by Parker et al, U.S. Patent Publication #2004/0125789 or Cupal et al, U.S. Patent Publication #2005/0151833.

For Parker et al, see Figs. 1 & 3 and ¶-0025.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 10-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al or Chupal et al in view of Wilk, U.S. Patent Publication #2003/0052962.

Wilk discloses in ¶-0038 the initialization of a video signal in a videophone. To have included Wilk's teaching of initializing a videophone's video signal in either Parker's or Cupal's video communication apparatus would have been obvious to a person having ordinary skill in the art because a skilled practitioner in the voice and video communications arts would have readily realized that to have included Wilk's initialization would have made common sense, since both references are concerned with videophone communications.

Application/Control Number:
10/762,483
Art Unit: 2614

Page 4

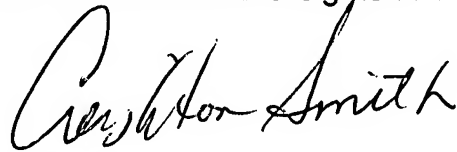
Claims 6, 7, 16, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al or Cupal et al in view of Jonsson et al, U.S. Patent Publication #2002/0146000.

Jonsson et al disclose VoIP using wireless terminals, Abstract. In ¶-0025 Jonsson et al disclose a compression module (125) and a decompression module (130), and in ¶-0033 disclose that a videophone is but one example where the compression and decompression modules could be used.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arita et al.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

09 NOV '07

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is fluid and cursive, with the first name being the most prominent.

Creighton H Smith
Primary Examiner
Art Unit 2614